

05-11-06

AF
JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. AM100249)

In re Patent Application of:)	Appln. No.: 10/039,383
)	Confirmation No.: 3951
HSIEN-JUE CHU <i>et al.</i>)	Customer No.: 25291
)	Group Art Unit: 1645
Filed: December 17, 2001)	Examiner: S. Devi
)	
For: IMPROVED MYCOPLASMA)	
HYOPNEUMONIAE BACTERIN VACCINE)	

AMENDMENT AFTER FINAL REJECTION
PURSUANT TO 37 C.F.R. § 1.116

Dear Sir:

Responsive to the Official action mailed March 9, 2006, please amend the above-referenced patent application using the following instructions and consider the remarks in a favorable light:

REMARKS

Reconsideration of this application, in view of the amendment, is respectfully requested. In accord with 37 C.F.R. § 1.121, the proposed amendment to the claims and a complete listing of all claims in the application begin on a separate sheet to facilitate separate indexing and electronic scanning of the amendment for placement in an e-file wrapper. Only the claim number and status indicate the canceled claims. The amendment adds no new matter into the application. For the convenience of the Office staff, the amendment is placed in the below Appendix and incorporated herein by reference thereto.

At the outset, Applicants gratefully acknowledge that the Examiner has generously withdrawn most of the rejections of record as set forth on pages 2 and 3 of the Office action.

Turning to the single rejection being maintained, the Examiner continues to provisionally reject Claims 10-12 and 14-17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 14-18 of Application No. 10/150,597, now U.S. Patent No. 7,018,638 B2, for reasons of record. Although Applicants respectfully disagree with the merits of the rejection, a Terminal Disclaimer To Obviate a Double Patenting Rejection Over a "Prior" Patent (Form PTO/SB/26) is submitted herewith to

Page 1 of 7